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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 93,354-SS)

In re Application of:)
Roninson et al.)
Serial No.: 10/010,167)
Filing Date: December 10, 2001)
For: Genes and Genetic Elements)
Associated with Sensitivity to)
Chemotherapeutic Drugs)
Examiner: TBA
Group Art Unit: 1636
Confirmation No.: 8397

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231
Attention: Customer Service Center
Initial Patent Examination Division

Sir:

In regard to the above-identified application:

1. We are transmitting herewith the attached
 - a. Response to Notice to File Corrected Application Papers
 - b. Copy of the Notice to File Corrected Application Papers
 - c. Fulfillment of Sequence Listing Requirement Under 1.821
 - d. Petition to Include Inadvertantly Omitted Drawings
 - e. Substitute specification and drawings
 - f. Request for Corrected Filing Receipt
 - g. Return Receipt Postcard
2. With respect to additional fees:
 - a. A check in the amount of \$130.00 is enclosed.
3. Please charge any deficiency in the amount due, or credit any overpayment, to Deposit Account No. **13-2490**. A duplicate copy of this sheet is enclosed.
4. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as "First Class Mail" in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on this **22nd day of March, 2002**.

By:

Kevin E. Noonan
Reg. No. 35,303

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**RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS
MAILED JANUARY 22, 2002**

Commissioner for Patents
Washington, D.C. 20231

Attn: Customer Service Center
Initial Patent Examination Division

Sir:

Responsive to the Notice to File Corrected Application Papers, mailed January 22, 2002, Applicants submit herewith a substitute specification in compliance with 37 CFR 1.52, and substitute drawings, all with corrected margins.

A request to use the computer-readable form of the sequence listing from the parent application is also submitted herewith.

Finally, a petition to include inadvertently omitted Figures 1K and 1L is submitted herewith.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

By:

Kevin E. Noonan
Reg. No. 35,303

Date: March 22, 2002



SEARCHED *RECEIVED* MAR 29 2002 Page 1 of 2
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON D C 20231
www.uspto.gov

RECEIVED

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAME D. APPLICANT	ATTORNEY DOCKET NUMBER
10/010,167	12/10/2001	Igor B. Roninson	93,354-SS

20306
MCDONNELL BOEHNEN HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

CONFIRMATION NO. 8397

FORMALITIES LETTER



OC00000007338531

Date Mailed: 01/22/2002

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment.

- A substitute specification in compliance with 37 CFR 1.52 because:
 - Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216

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- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **1K, 1L** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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FULFILLMENT OF SEQUENCE LISTING REQUIREMENT UNDER 1.821

Commissioner for Patents
Washington, DC 20231

Dear Sir:

Applicants respectfully request that the computer-readable form of the Sequence Listing submitted in U.S. Serial No. 09/568,315, filed May 9, 2000, now U.S. Patent No. 6,326,488, be used in the above-captioned application. The computer-readable form in the instant application is identical with that filed in USSN 09/568,315. In accordance with 37 C.F.R. § 1.821(e), please use the only computer-readable form filed in that application as the computer-readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer-readable form that will be used for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application.

If the Examiner in charge of this application believes it to be helpful, he is invited to contact the undersigned attorney by telephone at (312) 913-0001.

Date: March 22, 2002

Respectfully submitted,

Kevin E. Noonan
Registration No. 35,303